

R277. Education, Administration.**R277-417. Prohibiting LEAs and Third Party Providers from Offering Incentives or Reimbursements for Enrollment or Participation.****R277-417-1. Authority and Purpose.**

- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board; and
 - (b) Subsection 53A-1-401(3), which allows the Board to adopt rules in accordance with its responsibilities.
- (2) The purpose of this rule is to provide standards and procedures for prohibiting LEAs and third party providers from offering incentives for student enrollment.

R277-417-2. Definitions.

- (1) "Incentive" means one of the following given to a student or to the student's parent or guardian by an LEA or by a third party provider as a condition of the student's enrollment in an LEA or specific program for any length of time, during any school year:
 - (a) money greater than \$10; or
 - (b) an item of value greater than \$10.
- (2) "Program" means a program within a school that is designed to accomplish a predetermined curricular objective or set of objectives.
- (3)(a) "Reimbursement" means the payment of money or provision of other item of value greater than \$10 offered as payment or compensation to a student or to a parent or guardian for:
 - (i) a student's enrollment in an LEA; or
 - (ii) a student's participation in an LEA's program.
- (b) "Reimbursement" does not include a reimbursement paid by an LEA to a student, parent or guardian, for an expenditure incurred by the student, parent or guardian on behalf of the LEA if:
 - (i) the expenditure is for an item that will be the property of the LEA; and
 - (ii) the expenditure was authorized by the LEA.
- (4) "Section 504 accommodation plan" required by Section 504 of the Rehabilitation Act of 1973, means a plan designed to accommodate an individual who has been determined, as a result of an evaluation, to have a physical or mental impairment that substantially limits one or more major life activities.
- (5) "Third party provider" means a third party who provides educational services on behalf of an LEA.

R277-417-3. LEA and Third Party Provider Use of Public Funds for Incentives and Reimbursements.

- (1) Except as provided in Subsection (3), an LEA or a third party provider may not use public funds, as defined under Subsection 51-7-3(26), to provide the following to a student, parent or guardian, individual, or group of individuals:
 - (a) an incentive for a student's:
 - (i) enrollment in an LEA; or
 - (ii) participation in an LEA's program; or
 - (b) a referral bonus for a student's:
 - (i) enrollment in an LEA; or

- (ii) participation in an LEA's program.
- (2) Except as provided in Subsection (3), an LEA or third party provider may not use public funds to provide a reimbursement to a student or the student's parent or guardian for:
 - (a) curriculum selected by a parent;
 - (b) instruction not provided by the LEA;
 - (c) private lessons or classes not managed or facilitated by the LEA;
 - (d) technology devices selected by a parent; or
 - (e) other educational expense selected by a parent.
- (3) An LEA may use public funds to provide:
 - (a) uniforms, technology devices, curriculum, materials and supplies, or instructional services to a student if the uniforms, technology devices, curriculum, materials and supplies, or instructional services are:
 - (i) available to all students enrolled in the LEA or program within the LEA; or
 - (ii) authorized by the student's college and career readiness plan, IEP, or 504 accommodation plan; or
 - (b) internet access for instructional purposes to a student:
 - (i) in kindergarten through grade 6; or
 - (ii) in grade 7 through grade 12 if:
 - (A) the internet access is provided in accordance with the fee waiver policy requirements of Section R277-407-6; or
 - (B) failure to provide the internet access will cause economic hardship on the student or parent.
- (4) An LEA or third party provider shall ensure that equipment purchased or leased by the LEA or third party provider remains the property of the LEA and is subject to the LEA's asset policies if:
 - (a) the LEA or third party provider purchases equipment; and
 - (b) provides the equipment to a student or to the student's parent or guardian.
- (5) An LEA shall establish monitoring procedures to ensure that a third party provider who provides educational services to a student on behalf of the LEA complies with the provisions of this rule.
- (6) The Board or the Superintendent may require an LEA to repay public funds to the Superintendent if:
 - (a) an LEA or an LEA's third party provider fails to comply with the provisions of this rule; and
 - (b) the repayment is made in accordance with the procedures established in Rule R277-114.

KEY: student, enrollment, incentives

Date of Enactment or Last Substantive Amendment: July 8, 2015

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3)